



Town Council Agenda Report

SUBJECT: VARIANCE

TITLE OF AGENDA ITEM:

V 7-3-99 - William Laystrom - BGL Ltd., petitioner / Helbar Investment Corp., owner

REPORT IN BRIEF:

The petitioner is requesting relief from the Town's parking requirement for self-storage facilities from 52 parking spaces to 19 parking spaces.

DISCUSSION:

This property was a subject of a rezoning (ZB 9-1-97) from B-2 to B-3, which was approved on 2/18/98, specifically to develop a self-storage facility. Subsequent to this approval, a variance (V 10-1-97) for the reduction in required parking, and a site plan (SP 10-2-97) was approved. When site plans are approved, the applicant has a period of six months to obtain a building permit or the site plan becomes null and void. The site plan was approved on April 15, 1998. On July 15, 1998, the Town Council adopted Ordinance 98-033, prohibiting the self-storage use in the B-3 District (this is not, and has not been permitted in the B-1 or B-2 Districts). The site plan expired on October 15, 1998, without any permits having been issued or applied for. Permit applications were not filed until November 3, 1998, and were not issued due to the expired site plan.

Subsequent to these actions, staff corresponded with the Town's Attorney's Office for a determination of vested rights to construct the self-storage facility within the B-3 District which no longer permits the use. As outlined in a memorandum from the Town Attorney's Office, dated June 11, 1999, a determination was made that the Town is equitably estopped from enforcing the revised code against the property owner. However, this determination allows for the use of the proposed self-storage facility and does not vest the approval of the site plan or variance. Therefore, the applicant was required to resubmit for site plan approval, under the old code, and resubmit for a variance.

CONCURRENCES:

Staff recommends approval of the requested variance to reduce the number of required parking spaces from 52 to 19, with a finding that special circumstances and unnecessary hardship has been demonstrated.

At the August 25, 1999, Planning and Zoning Board meeting, the Board recommended approval (5-0), subject to the the Town Attorney reviewing the deed restriction to ensure the facility will be used as a self-storage facility and nothing else.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S):

Motion to approve the requested variance to reduce the number of required parking spaces from 52 to 19, with a finding that special circumstances and unnecessary hardship has been demonstrated, subject to the the Town Attorney reviewing the deed restriction to ensure the facility will be used as a self-storage facility and nothing else.

Attachment(s): Planning Report, Variance Application, Land Use Map, Subject Site Map, and Aerial.

September 1, 1999

**TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT**

SUBJECT: Variance V 7-3-99

APPLICANT: William Laystrom - BGL Ltd., petitioner / Helbar Investment Corp., owner

ADDRESS/LOCATION: 13290 State Road 84 / Generally located at the southeast corner of State Road 84 and SW 133rd Avenue.

LAND USE PLAN/ZONING: Commercial / B-3 (Planned Business Center)

REQUEST: **From:** Section 12-208(A)(37) which requires one (1) parking space for each two thousand (2,000) square feet of self-storage facilities area;
 To: reduce the required number of parking spaces from fifty-two (52) to nineteen (19).

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

DESCRIPTION / BACKGROUND: The subject site is vacant and contains 4.5 acres in area. This property is bound on the north by State Road 84/I-595 corridor, to the east by an existing commercial strip center (Mc Donalds, various restaurants, and retail stores) zoned B-2, to the west by a self-storage facility (Storeguard) zoned B-2 and mobile homes zoned MH-8, and to the south by mobile homes zoned MH-10 (Western Hills Estates Section 3).

This property was the subject of a rezoning (ZB 9-1-97) from B-2 to B-3, which was approved on 2/18/98, specifically to develop a self-storage facility. Subsequent to this approval, a variance (V 10-1-97) for a reduction in required parking, and a site plan (SP 10-2-97) were approved. Variances expire 12 months from the date of approval if no development permit is issued. When site plans are approved, the applicant has a period of six months to obtain a building permit or the site plan becomes null and void. The site plan was approved on April 15, 1998. On July 15, 1998, the Town Council adopted Ordinance 98-033, prohibiting the self-storage use in the B-3 District (this is not, and has not been permitted in the B-1 or B-2 Districts). The site plan expired on October 15, 1998, and the variance expired on February 2, 1999, without any permits having been issued or applied for. Permit applications were not filed until November 3, 1998, and were not issued due to the expired site plan.

Subsequent to these actions, staff corresponded with the Town's Attorney's Office for a determination of vested rights to construct the self-storage facility within the B-3 District which no longer permits the use. As outlined in a memorandum from the Town Attorney's Office, dated June 11, 1999, a determination was made that the Town is equitably estopped from enforcing the revised code against the property owner.

ANALYSIS:

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made a part hereof.

This variance request is identical to the previously approved variance referenced above. The petitioner seeks to construct a 104,000 square foot self-storage facility which requires 1 parking space per 2,000 gross square feet, for a total of 52 parking spaces. The petitioner states, the typical peak parking demand for a self-storage facility is between 4 to 5 parking spaces at any given time, however, they intend to provide the maximum amount of parking which may be provided on site, for a total of 19 spaces. This equates to a parking ratio of 1 space per 5,474 square feet of building.

The petitioner also states the requested variance is the minimum variance necessary as outlined below, and exceeds the self-storage parking requirement of the Broward County Code.

1. **Town Code:**

| | |
|---|--------------------|
| 1 space/2,000 sq.ft. | |
| 104,000 (building) / 2,000 (gross floor area) = 52 spaces | |
| Total Parking Required | = 52 spaces |

2. **Broward County Code:**

| | |
|------------------------------------|----------------------------|
| 1 space per 200 self-storage units | 830 units/200 = 4 spaces |
| 2 spaces for manager's office | <u>1 Office = 2 spaces</u> |
| Total Parking Required | = 6 spaces |

Given the previous history of the site, which includes prior approval of the identical variance request, staff finds there are special circumstances and unnecessary hardship that apply to this property, that do not otherwise apply to other properties in same zoning district.

RECOMMENDATION: Therefore, the Planning and Zoning Division recommends **APPROVAL** of the requested variance to reduce the number of required parking spaces from 52 to 19, with a finding that special circumstances and unnecessary hardship has been demonstrated.

PLANNING AND ZONING BOARD RECOMMENDATION: Recommendation for **APPROVAL** (5-0), subject to the the Town Attorney reviewing the deed restriction to ensure the facility will be used as a self-storage facility and nothing else.

Prepared by: _____

Reviewed by: _____

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-309. Review for variances.

Whether or not:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;**
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;**
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

EXISTING ZONING: COMMERCIAL - B-2
CODE SECTION: FROM SECTION 12-208(A)

PROPOSED ZONING: B-3
CODE SECTION: SECTION 12-208(A)

LAND USE DESIGNATION: COMMERCIAL

FOLIO NUMBER _____

TOWN OF DAVIE USE ONLY
PETITION NO. V7-3-99
FEE. \$930.00
RECEIPT NO. 7048

RECEIVED
JUL 7 1999

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT
DATE FILED: JULY 6, 1999

PHONE: (954) 762-3400

PETITIONER: C. WILLIAM LAYSTROM, JR., ESQUIRE - BGL LTD.

MAILING ADDRESS: 10619 BOCA WOODS LANE, BOCA RATON, FLORIDA 33428

RELATIONSHIP TO PROPERTY: BUYER

OWNER: HELBAR INVESTMENT CORP.

MAILING ADDRESS: 7773 N.W. 44TH STREET, SUNRISE, FLOIRDA 33321

ADDRESS OF PROPERTY: STATE ROAD 84 AND SW 133RD AVENUE, DAVIE, FLOIRDA
13290 State Road 84

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

SEE ATTACHED EXHIBIT "A"

ACREAGE: 4.464 ACRES

REQUEST: TO CHANGE THE PARKING REQUIREMENT FROM 1/2000 SQUARE FEET TO 1/4000 SQUARE FEET WHICH WOULD REDUCE THE REQUIRED NUMBER OF PARKING SPACES FROM 52 TO 19 PARKING SPACES.

REASON FOR REQUEST: (attach additional sheet as necessary)

THE PROJECT WOULD NOT BE ECONOMICALLY FEASIBLE AT THE CURRENT PARKING RATIO OF 1/2000. IN ADDITION, IT IS WELL KNOWN THAT SELF STORAGE FACILITIES REQUIRE VERY LITTLE PARKING AND HAVE VERY LITTLE TRAFFIC IN AND OUT ON A DAILY BASIS.

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jat PUBLICATION DATE: _____

MEETING DATE: PLANNING AND ZONING BOARD: 8/11/99 TOWN COUNCIL: _____

NOTICES SENT: 7 REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

HELBAR INVESTMENT CORP.

OWNER'S NAME(S)

Thomas Branham

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

7783 N.W. 44TH STREET
ADDRESS

DAVIE, FLORIDA 33321
CITY, STATE, ZIP

(954) 749-4368
PHONE

Bill Laystrom - BGL Ltd.
PETITIONER'S NAME

Bill Laystrom Jr.
PETITIONER'S SIGNATURE

10619 BOCA WOODS LANE
ADDRESS

BOCA RATON, FLORIDA 33428
CITY, STATE, ZIP

(561) 488-6222
PHONE

The foregoing instrument was acknowledged before me
this 2nd day of JULY, 1999 by
Thomas Branham who is personally
known to me or who has produced _____

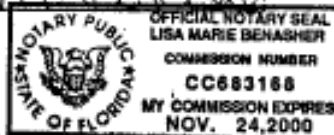
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Lisa M. Ben Asher

Print: Lisa M. Ben Asher

My Commission Expires:



The foregoing instrument was acknowledged before me
this 2nd day of JULY, 1999 by
C. William Laystrom, Jr. who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Lisa M. Ben Asher

Print: Lisa M. Ben Asher

My Commission Expires:



OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:

08/11/99 - tabled to 08/25/99

LAND DESCRIPTION:

ALL OF TRACTS A & B AND A PORTION OF TRACTS C & D OF GRIFFITHS CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 117, PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID GRIFFITHS CENTER; THENCE NORTH 00°11'32" WEST, ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 469.17 FEET;

THENCE NORTH 52°11'13" EAST, A DISTANCE OF 39.60 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 84;

THENCE SOUTH 75°26'02" EAST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 373.49 FEET;

THENCE SOUTH 14°33'58" WEST, A DISTANCE OF 83.00 FEET;

THENCE SOUTH 24°16'13" EAST, A DISTANCE OF 38.74 FEET;

THENCE SOUTH 00°08'42" EAST, A DISTANCE OF 165.00 FEET;

THENCE NORTH 89°51'18" EAST, A DISTANCE OF 179.30 FEET;

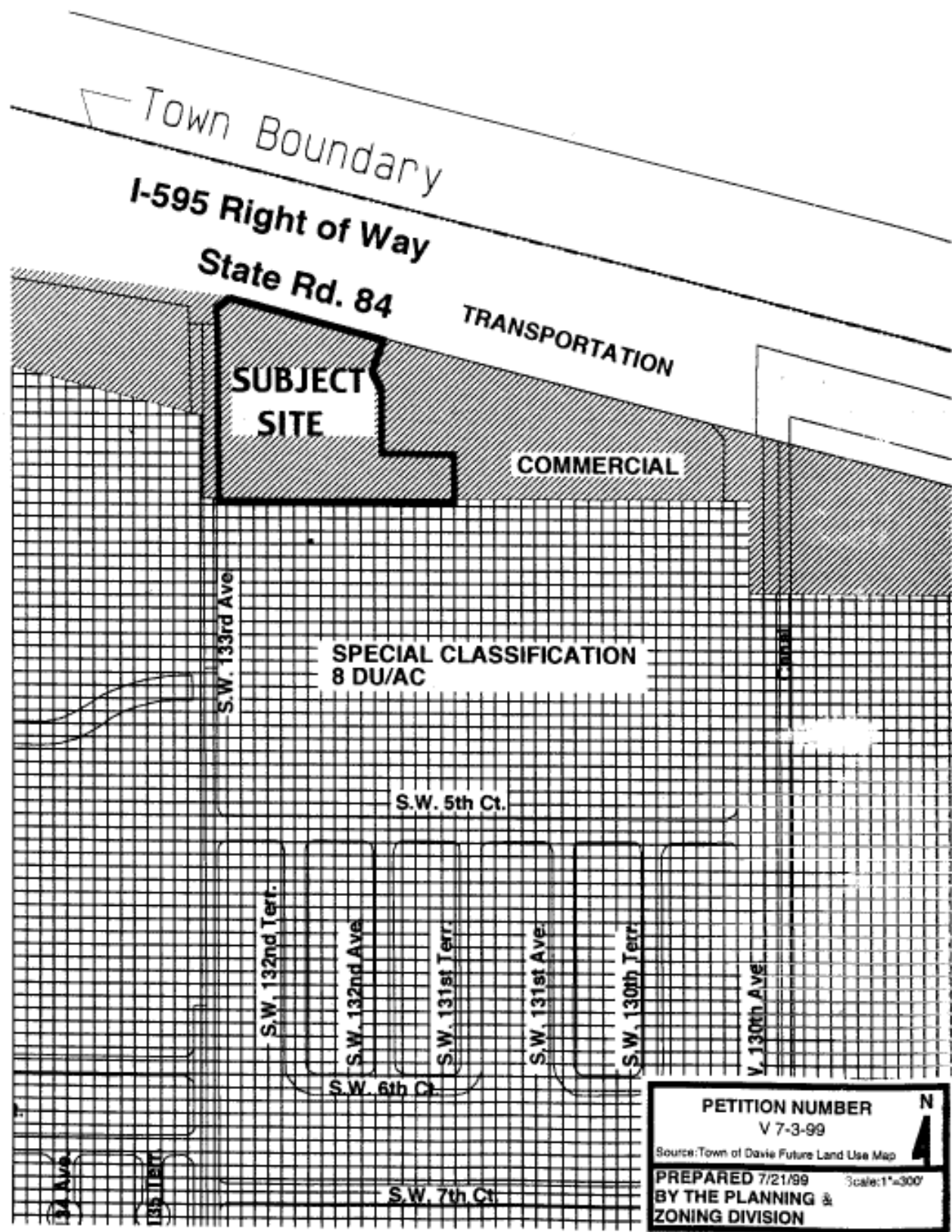
THENCE SOUTH 00°08'42" EAST, A DISTANCE OF 117.90 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT;

THENCE SOUTH 89°51'18" WEST, ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 566.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 4.464 ACRES MORE OR LESS.

JUSTIFICATION FOR VARIANCE # _____

The self-storage use does not require the amount of parking customarily expected for a warehouse project. Applicant anticipates no more than four or five vehicles on the premises at any one time.



Town Boundary

I-595 Right of Way

State Rd. 84

TRANSPORTATION

SUBJECT SITE

COMMERCIAL

SPECIAL CLASSIFICATION
8 DU/AC

S.W. 5th Ct.

S.W. 132nd Terr.

S.W. 132nd Ave.

S.W. 131st Terr.

S.W. 131st Ave.

S.W. 130th Terr.

V. 130th Ave.

S.W. 6th Ct.

S.W. 7th Ct.

PETITION NUMBER
V 7-3-99

Source: Town of Davis Future Land Use Map

PREPARED 7/21/99 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION

N

N. New River Canal

T

State Rd. Rd

B-3

~~B-3~~

B-2

lon (71-41)

Western Hills Estates Section Three
(74-19)

B-3

MH-10

Western Hills Estates Section Two
(70-31)

MH-8

MH-8

MH-10

MH-5

MH-8

MH-5

PETITION NUMBER 3542

V 7-3-99

N

4

PREPARED 7/21/99 BY THE PLANNING & ZONING DIVISION Scale: 1" = 300'

